

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

LEE HARTWELL,

Plaintiff,

vs.

THE CITY OF MONTGOMERY,
ALABAMA, and PERSONNEL
BOARD OF THE CITY AND
COUNTY OF MONTGOMERY,
ALABAMA,

Defendants.

2006 DEC -1 P 4:16


DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA
CIVIL ACTION NO.
2:06cv518-MHT

MOTION TO ALLOW AMENDED COMPLAINT

COMES NOW the Plaintiff Lee Hartwell, in his individual capacity, by and through his counsel of record and moves the Court to allow him to file an Amended Complaint (See Attached), and as grounds would set forth the following:

1. This case was filed in the Circuit Court of Montgomery County, Alabama and was removed to the United States District Court by the Defendant City of Montgomery.
2. The Plaintiff Lee Hartwell had a claim against an Individual Defendant which was not filed in the action in the Circuit Court for Montgomery County, Alabama, as the cause of action that the Plaintiff filed in the Circuit Court was for a Writ of Certiorari to the Montgomery City-County Personnel Board to set aside the Plaintiff's demotion from Fire Sergeant to Firefighter.
3. Now that this cause of action has been removed to the United States District Court, it would serve the greatest judicial economy for all claims to be adjudicated at one time in one action.

Respectfully submitted on this the 1st day of December, 2006.



J. BERNARD BRANNAN, JR.(BRA022)
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on the following counsel of record, by placing a copy of same in the United States Mail, postage prepaid and properly addressed on this the 1st day of December, 2006:

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